Remarks/Arguments

The Examiner is thanked for the courteous telephone interview granted Applicants' representative on March 16, 2005. During the interview, the Examiner indicated that he believed the claims did not clearly distinguish over the cited art in their present form, and recommended that a Response to the Final Office Action be prepared and filed amending the claims to more clearly recite the monitoring aspect of the present invention. The Examiner indicated that he would carefully consider the Response, and Applicants appreciate the Examiner's assistance in this regard. This Response has been prepared pursuant to the Examiner's suggestions, and is believed to place the application in condition for allowance.

Claims 1-3, 12, 15-17 and 25 are pending in the present application and have been amended to more clearly distinguish the present invention over the cited art. No claims have been added and no claims have been canceled. Applicants have carefully considered the cited art and the Examiner's comments, and believe the claims patentably distinguish over the cited art and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I.   Claim Objections

The Examiner has objected to claims 1-3, 12, 15-17 and 25 as containing minor informalities. In particular, the Examiner notes that the limitation "a data processing system" in lines 9 and 10 of claim 1 has insufficient antecedent basis, and suggests that it should be read as --the data processing system--. The Examiner further notes that independent claims 12, 15, and 25 contain similar informalities.

By the present Amendment, each of claims 1-3, 12, 15-17 and 25 have been carefully amended to provide proper antecedent basis for all terminology therein, and are now believed to be in proper form throughout. The Examiner is thanked for bringing the minor errors to Applicants' attention.

Therefore the objection to claims 1-3, 12, 15-17 and 25 has been overcome.

II.   35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-3, 12, 15-17 and 25 under 35 U.S.C. § 102(b) as being anticipated by the newly cited IBM Publication "VM/ESA OpenEdition DCE Introduction and Implementation Notebook –SG24-4554-00"; International Technical Support Organization IBM Poughkeepsie Center; December 1995 (hereinafter referred to as IBM publication). This rejection is respectfully traversed.

In rejecting the claims as being anticipated by IBM publication, the Examiner states:

> Regarding claim 1, IBM discloses a method in a data processing system for distributed computing, the method comprising: accepting a task for distributed computing; sending work units into which the accepted task is divided to a plurality of data processing systems on a network, wherein each data processing system within the plurality of data processing systems includes a software for accepting a work unit, processing the accepted work unit to generate a result, and returning the result, wherein the software of each data processing system within the plurality of data processing system is monitored for compliance with an operation policy requiring the data processing system to be connected to the network and to allocate a period of time for processing work units; and receiving results from the plurality of data processing systems (see pages 5-17, *"OSF DEC offers a set of services and application program interfaces (APIs) that are used to build distributed applications. DCE also includes a set of management tools for the distributed heterogeneous environment... The DCE technologies are grouped into general categories: Programming environment...Distributed Services...... The programming services include DCE remote procedure calls......These services run continuously on a server machine and satisfy the requests sent over the network or from local users......Client, Clerk, Server, and Manager......*[see page 5. Note: DCE corresponds to Distributed Computing Environment and this enables to break a task into several work units such as RPC, DCE threads, Directory service, Security service...which are executed by different servers represented by the plurality of DCE components shown on page 16 and Figure 10-"DCE Cell Integration" and page 17-"1.4.8. DCE Component Integration" and Table 1 showing the dependency between the DCE components.]. Also see page 10, "1.4.4. Distributed Time service" which manages the allocating a time for processing work units and determines event sequencing, duration and scheduling. The IBM publication teaches breaking a task [accepting a task is inherent] into separate DCE components as shown in Table 1, page 17 and then integrates the services performed and received from these DCE components and at the same time. DCE components correspond to the claimed plurality of data processing systems, which perform the distributed work. It is suggested to read the full publication to comprehend the various aspects of "Distributed Computing environment" which fully reads on the claimed invention.

Regarding claims 2-3, IBM publication suggests that each of the plurality of data processing systems are assigned to a different user and are in different location (see at least page 5, *"1.4 Overview of the OSF DCE Architecture... Various major computer vendors (IBM included) have contributed and proven technologies for inclusion in the Open Software Foundation... "*. Note: Various vendors satisfy the claimed limitations).

Regarding system and computer program and product claims 12, 15-17 and 25, their limitations are parallel to the limitations of method claims 1-3 and are therefore analyzed and rejected for the same basis.

Final Office Action dated January 12, 2005, pages 4 and 5.

Claim 1 as amended herein is as follows:

1.   A method in a network data processing system for distributed computing, the method comprising:
accepting a task for distributed computing;
sending work units into which the accepted task is divided to a plurality of data processing systems on a network, wherein each of the plurality of data processing systems on the network includes a software for accepting a work unit, for processing the accepted work unit to generate a result, and for returning the result; and
receiving results from each of the plurality of data processing systems on the network,
wherein the method further comprises:
monitoring the software of each of the plurality of data processing systems on the network for compliance with an operation policy that requires each data processing system on the network to be connected to the network and to allocate at least a minimum period of time for processing work units that are sent to it.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single prior art reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of a claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference

broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983).

IBM publication does not disclose the step of "monitoring the software of each of the plurality of data processing systems on the network for compliance with an operation policy that requires each data processing system on the network to be connected to the network and to allocate at least a minimum period of time for processing work units that are sent to it"; and, therefore, does not anticipate claim 1.

As indicated above, the Examiner refers generally to pages 5-17 of IBM publication as disclosing the monitoring aspect. Applicants, however, have carefully examined the publication and find no disclosure of monitoring in general or of "monitoring the software of each of the plurality of data processing systems on the network for compliance with an operation policy that requires each data processing system on the network to be connected to the network and to allocate at least a minimum period of time for processing work units that are sent to it" as is now specifically recited in claim 1.

In the present invention, the plurality of data processing systems on a network may, for example, comprise home computers provided to users at low cost or at no cost in return for the users agreeing to make their computers available for distributed computing projects for at least a minimum period of time. The cost for subsidizing these computers can then be recouped by charging customers for processing requests. In order to ensure that the users fulfill their side of the agreement, it is desirable to monitor the computers on the network to confirm that the computers are connected to the network and that they run the appropriate software for at least some minimum period of time (see at least page 13, lines 9-22 of the present specification). IBM publication does not disclose monitoring data processing systems on a network in the manner now clearly recited in claim 1, and does not anticipate claim 1.

For at least all the above reasons, claim 1, as amended herein, is not anticipated by IBM publication, and should be allowable in its present form.

Claims 2 and 3 depend from and further restrict claim 1, and are also not anticipated by IBM publication, at least by virtue of their dependency.

Independent claims 12, 15 and 25 have been amended in a manner similar to claim 1, and are also not anticipated by IBM publication for substantially the same reasons as discussed above with respect to claim 1. Claims 16 and 17 depend from and further restrict claim 15, and are also not anticipated by IBM publication, at least by virtue of their dependency.

Therefore, the rejection of claims 1-3, 12, 15-17 and 25 under 35 U.S.C. § 102 has been overcome.

Furthermore, IBM publication does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. IBM publication does not recognize or anywhere discuss a need or desirability to monitor the operation of a plurality of data processing systems on a distributed network, and in the absence of any such disclosure, one of ordinary skill in the art would not be led to modify IBM publication to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify IBM publication, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.
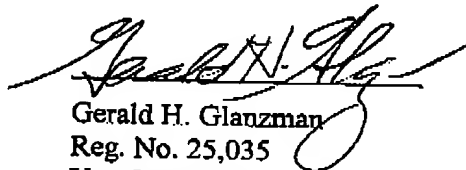
III.   Conclusion

For at least all the above reasons, it is respectfully urged that claims 1-3, 12, 15-17 and 25 are patentable over IBM publication and that this application is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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